IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 22445 of 2004(V)

PETITIONER:

C.G.PUSHPANGADAN, AGED 53,
S/O. GOVINDAN, CHEMBALLIPURATH HOUSE,
KODANNUR VILLAGE, DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS:
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1. **THE IRINJALAKUDA TOWN CO-OPERATIVE BANK LIMITED NO.55, REPRESENTED BY ITS BRANCH MANAGER, HEAD OFFICE, IRINJALAKUDA, MUKUNDAPURAM TALUK.**
2. **THE ARBITRATOR-CUM-SALE OFFICER, IRINJALAKUDA TOWN CO-OPERATIVE BANK LIMITED NO.55, MUKUNDAPURAM TALUK.**
3. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), MUKUNDAPURAM TALUK.**

BY ADV. SRI.N.P.SAMUEL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.22445/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT IN O.P. NO. 9432/03 DTD. 08/01/04 OF THIS HON'BLE COURT.

EXT.P.2: COPY OF THE SALE NOTICE ISSUED TO THE PETITIONER DTD. 17/06/04.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.22445 of 2004

Dated this the 30th day of March, 2007

JUDGMENT

The writ petition is filed mainly with the following prayer:-

> ii) To issue a writ in the nature of mandamus or any other appropriate writ order or direction commanding the respondents to act in terms of Ext.P1 judgment and in the meantime to keep Ext.P2 and all further proceedings thereto in abeyance.

Ext.P2 is the steps taken for sale of property. Sri.N.P.Samuel, learned counsel appearing for the respondent Bank submits that the petitioner was duly informed of the outstanding dues and the petitioner however, did not take any steps to clear the dues under the settlement scheme. Be that as it may, the prayer is for a direction to the Bank to act in terms of the judgment. In case Ext.P1 judgment is not complied with the remedy is not to file another writ petition. Therefore, this writ petition itself is misconceived and hence the same is dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.